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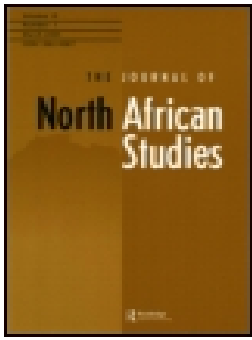
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# Natural resource exploitation in Western Sahara: new research directions

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## ABSTRACT

This review article provides an overview of research to date with an explicit focus on natural resource exploitation in Western Sahara. It integrates findings from various perspectives and disciplines, and synthesises the research done with a view to revealing gaps and, therefore, potential new research directions. As the issue of natural resource exploitation in Western Sahara has been conceptualised in very different ways and from the perspectives of a variety of disciplines, the authors have opted for a semi-systematic review of the work done encompassing academic, non-academic, and activist backgrounds.

**KEYWORDS** Western Sahara; natural resources; energy; fisheries; phosphates

## Introduction

The production of research on natural resource exploitation in Western Sahara is accelerating. Yet this field remains interdisciplinary, and the work is carried out by researchers from academic, non-academic, and activist backgrounds, with sometimes very different aims and envisaged audiences. Given this heterogeneity and the speed at which the field is developing, it can be difficult to assess the research produced, and keep at pace with new studies. A review of the existing literature is therefore timely. Furthermore, renewed war between Polisario and Morocco as of November 2020, sparked when the Moroccan army attempted to shift a roadblock constructed by Saharawi civilians protesting against the export of natural resources, makes a review of the literature more relevant than ever. This article aims to integrate findings from various perspectives and disciplines, to provide an overview of research to date on natural resource exploitation in Western Sahara, and to synthesise research findings with a view to revealing gaps and, consequently, potential new research directions.

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With regards to methodology, as the issue of natural resource exploitation in Western Sahara has been conceptualised in very different ways and from various disciplines, we have opted for a semi-systematic review – which allows more flexibility and broader coverage of the topics – over a systematic review.<sup>1</sup> To identify the research done, the first step involved searching the leading databases: Google Scholar, JSTOR, ProQuest, Web of Science, and Dialnet. Searches were conducted in Spanish and English (as these are the languages in which the majority of research on Western Sahara is published) using the terms ‘Western Sahara’ and ‘Natural Resources’. The abstracts (and/or full text where necessary) were then scanned to ensure that natural resource exploitation in Western Sahara was the central focus of the investigation in each case. The authors were also aware of research works in French and Arabic, which are included in this review, and identified others through discussions with colleagues. The search process resulted in the identification of some 93 papers.

We made notes against standardised categories for each of the research works identified. These categories included descriptive information as well as discipline(s), theoretical perspectives, methodologies, envisaged audience, findings/conclusions/recommendations, points of conflict and/or overlap between papers, and the value, importance, and originality of each paper. Within disciplines with several papers, we also applied a thematic analysis,<sup>2</sup> through which we coded the papers to identify common themes, ideas, and points of view.

This article is divided into sub-sections according to discipline (where one discipline has less than three works, they have been grouped together). Each sub-section attempts to summarise existing research, draw out the main debates and contributions made to each field, and identify discipline-specific research gaps or possible future research directions. Each sub-section is also structured differently depending on the most salient debates and patterns that emerge within each discipline and between disciplines. ‘Non-academic research’ is included as its own sub-section, because most pieces reviewed in this section differ from more academic research in three main ways. Firstly, they often present crucial primary data on which resources are being exploited by whom and in what quantities; secondly, they are often explicitly written to further specific lobbying and campaigning goals; and thirdly, the primary audience is envisaged to be outside of the academy. That said, it is true that much of the research presented here as academic may also be used to further lobbying goals and campaigns, and indeed may be written by academics who are also activists.<sup>3</sup>

## **Anthropology and cultural studies**

The review identified just one research paper engaging principally with natural resource exploitation in Western Sahara from an anthropological

perspective, and likewise just one from a Cultural Studies standpoint. Randi Irwin's 2019 doctoral thesis is a multi-sited ethnography exploring how the Polisario Front and Sahrawi youth have used natural resources to develop strategies that seek to bring about decolonisation, raise international awareness of the Sahrawi cause, and prepare for future sovereignty (2019, 8). Perhaps her most innovative contribution is her conceptualisation of the Sahrawis' knowledge of their own territory (e.g. how to navigate it and survive in it as nomads) as itself a form of utilising natural resources. From a Cultural Studies perspective, Allan's (2020) paper looks briefly at how renewable energy companies like Siemens use language to colonise Sahrawi lands and resources. The author asks how Sahrawi poets who write in Spanish resist colonisation at the level of discourse by employing language themselves. There is an absence of research, however, with regard to: Sahrawi poets that write or recite in Hassaniya (the dialect of Arabic used in Western Sahara and Mauritania) or Arabic; Sahrawi prose writers, artists, calligraphers and photographers; and solidarity artists engaged with the issue of natural resources internationally.<sup>4</sup>

## History

The majority of research undertaken from a historical perspective on the role of natural resources in the Western Sahara conflict focuses on phosphates. Both Lalutte (1976) and Camprubí (2015) see the potential exploitation of phosphates as the key factor in motivating Morocco to invade Western Sahara. Drury (2013) offers a nuanced take on this perspective. He argues that the tendency in the scholarship to focus on the extent to which natural resources have caused (protracted) conflict 'separates the political from the economic and the ideological from the material in an attempt to identify the primacy of one motivating force over another' (Drury 2013, 102). Pointing out that resources do not ontologically exist prior to the historical, sociological, and political processes that produce them as such, he urges scholars to move away from conceptualising natural resources as abstract commodities, and rather to focus on the temporal processes that made and make phosphate rock a resource.

Gilkerson's (2018) article echoes those by Lalutte and Camprubí in establishing phosphate exploitation as a central cause of protracted conflict, yet her contribution emphasises Sahrawi agency. She argues that identity formation at the mines is central to understanding all resource disputes and the sovereignty movement. Therefore, phosphate exploitation has fostered a Sahrawi imagined nation as opposed to a Moroccan one.<sup>5</sup> Martínez-Milán offers a different perspective. He explores the impact of the Morocco-Western Sahara conflict on the phosphate industry rather than the inverse

(2017b). His trilogy of articles (2017a, 2017b, 2019) on Western Sahara's phosphates focus on the actions of, and impacts upon, Spain.

The importance of the discovery and exploitation of phosphates for Spain also plays a role in the 1989 autobiographical work by Ríos, at one time the president of the ENMINSA mining company. His memoirs contain a host of maps, data, photographs, and dates for the entire land exploration process that began in the 1940s, as well as a description of the decision-making process within the state company founded to exploit the phosphates in the Spanish-built, open-cast mine named Bou Craa.

Campos Serrano and Trasmontes (2015) focus, like Martínez-Milán, on the Spanish colonial period. However, they home in specifically on the period of provincialisation, in which Spanish Sahara was made a province of Spain in 1958. The authors argue that the discovery of phosphates provoked Spain to intensify its grip on Spanish Sahara through provincialisation, as a type of 'second occupation' that deepened, rather than lessened, Spanish colonisation.

Martínez-Milán (2005, 2008, 2014) has penned three papers on the history of Spanish fisheries in Western Sahara. His conference paper (2005) charts the evolution of the artisanal boat fleet from the Canary Islands fishing in Sahrawi waters from 1880 to 1945. The author identifies the protection of Sahrawi fisheries for exploitation by Canary Islanders as a prime reason for Spain's colonisation of Western Sahara. Martínez-Milán's (2008) work of maritime history charts the 'slow' integration of Canary-Saharan fisheries into the international economy beginning in the late nineteenth century. He presents evidence of the worries of Canarian naval authorities that these trawlers would ruin the industry with their unsustainable practices and the Spanish authorities' lack of control over 'illicit activities' (2005, 286). The 1950s saw a 'biological breakdown in the area known as "Playa Pargo"' (between Dakhla and La Güera) due to overfishing. In this way, Martínez-Milán's work provides a historical trajectory of the ecological issues today discussed by the NGOs monitoring fisheries activities in Moroccan-occupied Western Sahara (see below). The same author's later (2014) work looks at Spanish investment in Saharan-Mauritanian fisheries and its repercussions from the 1940s to the 1970s.

## Legal studies

There are more research studies carried out from a legal perspective than from any other discipline. The vast majority deal with the extent to which the exploitation of various types of Western Sahara's natural resources is in accordance with international law. All the analyses that address this question find that the exploitation of Western Sahara's natural resources – as it is currently done, has been done, or is likely to be done in the future given the

scope of certain trade agreements in partnership with Morocco in the region it occupies – is outright illegal or at best legally questionable. The legal frameworks, from human rights law to humanitarian and maritime law, and resources to which the authors refer while making such arguments are various.

Below, we explore, firstly, research that focuses on the legal implications of Western Sahara's status in international law as a non-self-governing territory, and, following on from this, research that focuses on the issue of who benefits from, and who consents to, resource exploitation in Western Sahara (as is the case in the reviewed research, this includes some reference to the EU's actions). Secondly, we look at legal analyses of EU-Morocco trade agreements, which have provoked ample legal discussion. It is worth, now, giving some brief background to these trade agreements and legal challenges to them. The lion's share of research reviewed focuses on the EU-Moroccan Fisheries Partnership Agreement (FPA), which allows, in theory, EU vessels to fish off the coast of Morocco, but in practice, also off the coast of occupied Western Sahara. The EU parliament opposed the FPA's renewal in 2011. It has thus been the subject of two legal opinions issued by the legal services of the EU parliament and the EU Council, as well as a court case heard in the EU Court of Justice brought by the Polisario against the EU Council, and a court case referred to the EU Court of Justice by the High Court of England and Wales. The latter case saw Western Sahara Campaign UK take the British government to court over questionable imports from occupied Western Sahara. As well as calling, in the EU courts, for the annulment of the EU-Morocco Fisheries Partnership Agreement, the Polisario have also taken up three other legal cases calling for, in turn, the annulment of the EU-Morocco Agriculture Agreement, the annulment of the EU-Morocco Aviation Agreement, and the annulment of the Council Decision of 16 April 2018, which authorised the EU Commission to renegotiate the Fisheries Protocol with Morocco. While the General Court of the EU (GCEU), in December 2015, annulled the EU-Morocco Agricultural Agreement in so far as it applies to Western Sahara, the EU Council appealed this. In December 2016, the Court of Justice of the EU (CJEU) annulled the initial judgement and overturned the annulment, on the grounds that the Agreement did not apply to Western Sahara. The CJEU made similar rulings (that the Agreements did not apply to Western Sahara) in February 2018 regarding Western Sahara Campaign UK's case, in July 2018 on the Fisheries Agreement, in November 2018 on the Aviation Agreement and in February 2019 on the Council's renegotiation of fisheries deals with Morocco.

After reviewing research that primarily focuses on EU-Morocco trade agreements and legal challenges to these, we look at a research paper that deals with the Polisario's legal case against phosphates exports heard in a South African court. Fourthly, we review literature focused on the UN's



2002 legal opinion (penned by Hans Corell) on oil exploration activities in Western Sahara. Then, we focus our attention on debates surrounding the following areas of research, each in turn: the legal status of Morocco and Spain in Western Sahara; which framework of international law should be applied to resource exploitation in Western Sahara; the consequences of resource exploitation; Spain's role in resource exploitation; maritime law; potential corporate criminality; comparative studies on resource exploitation; and states that have rejected showing complicity in exploiting Western Sahara's resources.

In any legal discussion of Western Sahara, the concept of 'non-self-governing territory' is paramount. This principle of international law is enshrined in the Charter of the United Nations. Article 73 establishes that 'the interests of the inhabitants of these territories are paramount', while UN Resolution 1514 of 1964 and customary international law establish the right to self-determination (Torres-Spelliscy 2013). The application of the principle of permanent sovereignty to the natural resources in a non-self-governing territory allows for economic activity, including the development of those resources, as long as this activity or exploitation is done to the benefit of the people living in the territory, after consultation and coordination with their representatives (Hadj Cherif 2018; Soroeta Licerias 2016; Torres-Spelliscy 2013). Dawidowicz (2013) states that the responses to the process of decolonising Western Sahara have fluctuated between a commitment to international law, on the one hand, and to political reality on the other.

Most authors foreground the issue of consent when determining that natural resource exploration undertaken in partnership with Morocco is in breach of international law (Dawidowicz 2013). Chapaux argues that the 'people as a whole could not decide since the referendum which would allow the election of a legitimate representative of the population was not brought to completion' (233). Similarly, Smith (2011, footnote 40) points out that a people under military occupation cannot credibly give consent 'to the taking of their resources' as they are 'protected persons ... under Article 8 of the Fourth Geneva Convention' (2011, 12, FN40; see also Badia Martí 2009; Simanowitz 2009; Wrange 2019).

Haugen (2007), Soroeta Licerias (2009, 2014) and Wrange (2019) are explicit in their assertion that only the Polisario – the movement struggling for Western Sahara's independence since the Spanish era and the sole legitimate representative of the Sahrawi people vis-à-vis the UN – can give consent for the Sahrawi's resources to be exploited. The GCEU in 2015 recognised the Polisario Front's capacity to lodge an appeal because it was affected by the European Council's decision both directly and individually (Soroeta Licerias 2016, 2017). This was not the case with the 2018 CJEU sentence in the second instance, which established that the Polisario could not be affected by an agreement that did not include Western Sahara (Wrange 2019). In

the case of Western Sahara Campaign UK, the High Court of Justice in England recognised the capacity of this NGO to lodge an appeal, taking the same line as the GCEU (Naili 2019). In any event, the Polisario Front has openly rejected the agreements made between the EU and Morocco (Soroeta Licerias 2009).

Kassoti (2019) takes on the issue of how the European Commission has attempted to comply with the legal obligation of ensuring Sahrawi consent. She highlights that, in the Commission's bid to obtain this approval, the institution claimed to have consulted with 113 civil society organisations. Yet, as Kassoti observes, 93 of these issued a joint statement denying that they had been consulted at all (2019, 315).

Researchers have noted that the distinction between the terms 'people' and 'population' is fundamental in this context, not only from a legal point of view, but also with regard to economic and social consequences. While the term 'people' refers to a political entity with a right to self-determination, 'population' refers to the people who live in a territory (Wrange 2019). EU institutions have repeatedly used the term 'population' instead of 'people'. This means that the potential profits from the exploitation of Sahrawi natural resources revert to the Moroccan settler population. This is doubly problematic given that the resettlement of a population in an occupied territory is a contravention of the Geneva Convention.

Noting this anomaly, Kassoti concludes that 'the Council Decision [to adopt the protocols under question] contravenes the legal framework pertaining to the exploitation of natural resources of a non-self-governing territory under occupation and thus, by adopting it, the EU may be aiding and assisting in the commission of internationally wrongful acts' (316) (see also Ruiz Miguel 2006). According to the GCEU, the European Council acted wrongly when approving the decision to adopt EU-Morocco trade agreements because there was no evidence whether, or the extent to which, these agreements benefitted the Sahrawi people (Hummelbrunner and Prickartz 2016; Soroeta Licerias 2016, 2017). The GCEU at first instance annulled the EU-Morocco liberalisation agreement because the EU had not ensured 'that the production of goods for export [was] not conducted to the detriment of the population' (Soroeta Licerias 2016; Wrange 2019). Ultimately however, as noted above, the Court of Justice at second and final instance revoked the sentence of the General Court at first instance; in other words, the fisheries agreement was not invalid (Wrange 2019).

Research carried out ahead of the court rulings outlined above focuses, in its majority, on the fisheries agreement, and makes arguments as to why it might constitute a violation of international law (Brus 2007; Chapaux 2007; González García 2010), or as Chapaux puts it, 'internationally wrongful act' (2007, 219). Much research post the initial and subsequent rulings raises (legal-related) criticisms of the EU's actions. On 24 July 2018, Morocco and

the EU signed a new sustainable fisheries agreement and implementation protocol for 2018–2022. Several researchers are highly critical of the EU with regards to this matter because, they argue, the EU knew perfectly well that, in the case of the fisheries treaties, they were applied to the waters off the Western Sahara coast, as confirmed by the 2007 Advisory Opinion, which clearly stated that 91.5 per cent of the fish imported from Morocco came from these waters (Naïli 2019; Torrejón Rodríguez 2013). It is still claimed that there is no difference in the provenance of the products that Europe imports from Morocco (Devers 2019; Naïli 2019), while the reports required by the agreements with the EU on economic data and benefits have not been provided (Hummelbrunner and Prickartz 2016; Iglesias Berlanga 2019; Smith 2013). The results of a report produced by the outside consultant, *Oceanic Développement* (Smith 2013), in response to a request from the European Commission during negotiations for the Fisheries Agreement in 2006 concluded that the agreement did not meet the annual demand for fish on the EU market; that the cost benefit was very low; that it contributed to overfishing; and that it had little impact on the Moroccan fishing industry (Torrejón Rodríguez 2013). Similarly, the 2009 Legal Services Opinion informed the European Commission that there was insufficient information to ascertain whether the allocation of 13.5 million euros to develop ‘responsible fishing practices’ in Moroccan waters clearly benefitted the Sahrawi people (Smith 2013). Linked to this, Soroeta Liceras (2018) and Sanchez-Gonzalez note that the court’s decision to declare that trade agreements are not applicable to Western Sahara, while knowing fully that the EU has exploited Western Sahara’s resources, has one aim: to prevent the Polisario Front from claiming damages from the EU for exploiting Western Sahara’s resources for three decades. Following this line of examining the EU’s motivations, Hagen (2015) argues that the EU’s support has been due to political interests. Fishing is important for Morocco not in itself, but because of the support the country receives from the EU for its claims over Western Sahara. By signing agreements, the EU indicates tacit support for Moroccan claims over the territory and its pretended sovereignty (see also Dawidowicz 2013; Soroeta Liceras 2015). The EU’s prevailing political interests, in turn, concern Moroccan control over migration flows to Europe, deterring terrorism, and silencing territorial disputes with Spain (Hagen 2015; Iglesias Berlanga 2019).

The only study that does not address the question of the legality of resource exploitation is Ruys (2019). Rather, he focuses on the defences presented in the Cherry Blossom case, in which a South African court ruled – in response to the demand by the SADR government – that 60,627 tons of phosphates being transported on the bulk carrier, NM Cherry Blossom, from Western Sahara to New Zealand be recognised as property of the Sahrawi people, and critiques the court’s treatment of them. Ruys asserts that

Moroccan exploitation of Western Sahara's phosphates might be legal, as long as it is done to the benefit, and with the consent of, the Western Saharan people. In this line of argument, Ruys stands against the vast majority of the other legal and academic studies analysed in this review that address the issue of consent, as they find that resource exploitation is likely to be in infringement of international law precisely because the indigenous people of Western Sahara have not consented to it.

Few studies from a legal perspective have focused in detail on oil exploration (Sánchez González 2011; Torres-Spelliscy 2013; Soroeta Licerias 2009 are exceptions) However, several studies discuss the 2002 Legal Opinion by the then Under-Secretary-General for Legal Affairs Hans Corell, which was issued in response to oil prospecting activities in Western Sahara. The Opinion concluded that exploitation activities would be illegal if the people of Western Sahara did not benefit and if activities were carried out against their wishes. The Opinion is the primary focus of the Brus (2007) paper. He compares Corell's Opinion to the 2006 Legal Opinion submitted by the Legal Service of the European Parliament regarding the Fisheries Agreement, noting that both Opinions treat Morocco as if it were an administering power, which is susceptible to legal challenge. Brus also advises caution with regards to the weight given to the Corell Opinion, pointing out that it is not legally binding. Chapaux (2007), like Brus, is critical of the UN (Corell) and EU Legal Opinions. He argues that both have invented a concept of quasi-administrative power that does not exist in current international law (Chapaux 2007, 223).

Corell has since sought to defend his 2002 Opinion against critics. Since retiring from his post at the UN, he has authored a number of analytical pieces concerning the issue of natural resource exploitation in Western Sahara. In the first of these, Corell (2010) reflects in a personal capacity on the reasoning behind his infamous 2002 Legal Opinion, and how it has been misinterpreted by the EU and others. Likewise, in a later analysis, Corell (2015) focuses not only on the legal dubiousness of the EU's actions, but also on how energy companies have misinterpreted his Legal Opinion. He also offers solutions for breaking the diplomatic deadlock in the conflict, including the option of the UN Security Council bypassing the self-determination referendum (on the basis that their Mission has still not managed to realise the referendum) and recognising Western Sahara as a sovereign state (2015). The Sahrawi people could then hold their own self-determination referendum if they wished to, proposes Corell. This idea has also been presented by Pinto Leite (2015).

We now turn our attention to discussions in the literature on the legal status of, firstly, Morocco, and secondly, Spain, with regards to Western Sahara. Morocco has not been recognised as having title to the territory of Western Sahara, meaning that it has no sovereignty over the territory (Naili

2019; Ruiz Miguel 2006) and that the country can thus be spoken of as an occupying power. Morocco is not the administering power (Soroeta Licerias 2016, 2017), although some authors (including Corell himself, Hummelbrunner and Prickartz 2016; Torres-Spelliscy 2013) speak of a *de facto* administrative power. The territory that is still occupied, however, was annexed illegally (Saul 2015; Wrangle 2019).

According to the United Nations (Resolution 3458 A, UNGA, 1975), Spain is the administrative power in Western Sahara (Sánchez González 2011; Soroeta Licerias 2009) and the 1975 Madrid Accords have no international legal validity (Ruiz Miguel 2006; Sánchez González 2011). Therefore, administrative power cannot be transferred from Spain to Morocco (Torres-Spelliscy 2013, 241). The International Court of Justice does not recognise any legal title to Western Sahara on the part of Morocco (Saul 2015; Soroeta Licerias 2009). The Spanish Office of the Public Prosecutor and National High Court recognise the status of the Kingdom of Spain as the administering power in Western Sahara (González Vega 2016; Soroeta Licerias 2016). For Saul (2015), more important than the question of who the administrative power is the fact that the Madrid Accords were null due to a conflict with a peremptory norm (*jus cogens*) at the time of signing, that is, the right to the self-determination of peoples and the coercion exerted by Morocco over Spain when it invaded the territory of Spanish Sahara. Even today, Naili (2019) argues, in line with other scholars (Hummelbrunner and Prickartz 2016), that it is unclear which entity is or should be responsible for ensuring that natural resources be exploited appropriately to benefit people under occupation.

This brings us to a discussion of which frameworks of international law should be applied to the case of natural resource exploitation in Western Sahara. Chapaux (2007) determines that Morocco is an occupying power. Therefore, the relationship between Morocco and the people of Western Sahara is primarily a matter of humanitarian law and human rights law.

Wrangle (2019) observes that none of the three courts – the Court of Justice of the EU, the General Court of the EU (at first instance), or the High Court of Justice of England and Wales – that have resolved the different appeals related to the treaties between the EU and Morocco governing the exploitation of Western Sahara's natural resources have invoked the law of occupation. Rather, they have based their legal arguments on the principle of self-determination, including the principle of permanent sovereignty over natural resources (Dawidowicz 2013; Hummelbrunner and Prickartz 2016).

However, several authors agree that 'non-self-governing' and the law of occupation converge in certain aspects when a long-term occupation is involved (Torres-Spelliscy 2013; Wrangle 2019). For Wrangle, the differences between the laws of occupation and self-determination lie in the fact that the former is based on *de facto* effective control and that an occupying

power cannot arbitrarily use natural resources for its own ends, since this is limited by the right of usufruct (Saul 2015; Wrange 2019). Moreover, this protects the property interests of the inhabitants of the occupied territory and prohibits plunder (Saul 2015). The law of self-determination, on the other hand, is based on the will of the people.

Smith (2013, 268) argues that the case of exploitation in the waters off the coast of Western Sahara for the purpose of fishing reveals several aspects of international law: 'the right of non-self-governing peoples – here a people is also under occupation – to permanent sovereignty over natural resources, together with the right to self-determination, the application of the law of the sea, international humanitarian law, [and] the role and ability of the UN to engage natural resources in such circumstances'. Soroeta Liceras (2015) points out that the application of international humanitarian law involves the recognition that the territory is occupied and, therefore, subject to the Hague and Geneva Conventions. Saul (2015) notes that the penal consequences also differ depending on which framework of international law is applied (Saul 2015).

Other legal research spotlights the *consequences* of Morocco's illegal exploitation of Western Sahara's natural resources. Smith (2015) focuses a paper on this topic, analysing the consequences of exploitation, which, he argues, are calculated in order to form a basis for the settlement of Moroccan nationals into the territory and thereby generate acceptance for territorial acquisition by the international community. In doing so, Smith contributes to the debate discussed in the above 'history' section of this review. He argues that resource exploitation was not the key reason for Morocco's invasion, but rather became crucial after 1975 as Morocco needed to create a local economy for settlers. Smith usefully shines a light on the strength of this local economy by estimating how much money Morocco makes from the exploitation of Western Sahara's resources. It is more difficult to calculate the export earnings from fish and fishery products than phosphates, but by the late 1990s, there was growing awareness about its unsustainability (Smith 2015). Smith estimates the total value of the Sahrawi resources exploited by Morocco between 1995 and 2012 to be 5.5 million US dollars, while investment in the occupied territory to date amounts to 2.5 million dollars (Smith 2015). Furthermore, the author contends that the consequences of the pillage in the territory extend beyond financial enrichment to the perpetuation of the occupation. Sánchez González (2011) also views the interests of Morocco as a priority in the exploitation of Western Sahara's natural resources (see also Soroeta Liceras 2017), which makes it more difficult to resolve the conflict. The intensive farming being done by Morocco in Dakhla – some 500 hectares, of which 350 are exploited (Torres-Spelliscy 2013) – endanger the groundwater and, moreover, the produce is exported from Morocco to Europe without specifying its real provenance on the labels. Additionally,

the Sahrawis are excluded from working in the Bou Craa mine (Torres-Spelly 2013). Byron (2017) has shown that the exploitation of renewable energy like wind farming and ecotourism in Dakhla by both Morocco and large foreign companies like Siemens also violates international law. In 2014, 32 per cent of the energy produced in Morocco came from renewable resources and this percentage is expected to increase to 52 per cent by 2030 (Byron 2017). This author also points out that permanent sovereignty over natural resources is often interpreted as being the economic arm of the right to self-determination.

A few researchers have focused on the role of Spain in natural resource exploitation (Dawidowicz 2013; González Vega 2016; Hagen 2015; Saul 2015; Smith 2013). They conceptualise Spain as the administrative power in occupied Western Sahara. González Vega (2016, 268) theorises Spain's role, which, argues the author, has ranged from one of 'constructive neutrality' to one of 'Moroccophilia,' for example in Spain's recognition of Morocco's 'jurisdiction' over Western Sahara's marine areas. Other researchers focus on the economic benefits Spain has accrued through resource exploitation in Western Sahara (Hagen 2015; Saul 2015; Smith 2013).

With regards to maritime law, only Smith and Amiton have researched the issue in detail although Soroeta Liceras (2009), Hummelbrunner and Prickartz (2016) and Pinto Leite (2015) have touched on it. Building on his 2013 work with Amiton (Smith 2013), in which the scholars produced and analysed a series of maps demonstrating the UN Convention on the Law of the Sea (UNCLOS) insofar as they apply to Western Sahara, Smith explores international law with respect to Western Sahara's maritime area in a 2019 publication. All EU states have signed UNCLOS, as has Russia. Morocco, in turn, did so in 2007 (Smith 2015). In 2017, Morocco announced its intention to adopt legislation to create an exclusive economic zone (EEZ) on the coast of occupied Western Sahara. Smith argues that such proposed legislation would be without legal effect, and that other states should deny recognition of it. The paper further explores the obligations of other states with regards to the SADR's 2009 assertion of their maritime claims. Smith concludes that, for states that recognise the SADR, it legally has an exclusive territorial sea and an EEZ. Even for states that have not recognised the SADR, Article 305 of the UNCLOS – argues Smith – would allow a Sahrawi government to exercise jurisdictional rights under the Convention, including the enforcement of fishing regulations against vessels from third states.

Perhaps the most radical academic work from a legal perspective is a paper by Smith (2011) on corporate criminality and civil liability in the case of natural resource exploitation in Western Sahara. The author focuses on the war crime of pillage and argues that, since the Western Sahara case should be subject to international humanitarian law (which has implications for criminal law), individuals involved in the pillage of Western Sahara's



resources could (and should) be tried in court. He goes so far as to explore how proceedings against corporate actors might be brought forward and where. Saul (2015) examines the application of the international law on occupation under international humanitarian law and considers the questions that establish criminal responsibility (including criminal war) for both the state and individual to illegally exploit the resources of Western Sahara on the part of both Morocco and international companies (Saul 2015). However, as noted above, the general trend is to view Western Sahara as a non-self-governing territory and apply Chapter XI of the UN Charter (Saul 2015), which establishes that only the state – and not the individual – is responsible.

A few researchers have used a comparative perspective to explore the legal issues surrounding resource exploitation in Western Sahara. Pinto Leite (2015) presents the experience of Timor-Leste to show that the UN could follow the example of the African Union (AU) and recognise the SADR as a member. Other references include the conflict between Palestine (Byron 2017) and Israel and the case of Namibia (Smith 2015). A comparison with the European Union's relationship with Israel shows that the EU uses a different 'yardstick' with the Sahrawi people (Iglesias Berlanga 2019; Soroeta Licerias 2016). However, while comparative studies are useful in highlighting legal precedents of relevance to the Western Saharan case, there is a relative absence of a comparative perspective outside the field of legal studies.

Finally, some researchers have highlighted the examples of states that have not accepted these violations of Saharawi sovereignty over their natural resources. The United States (Soroeta Licerias 2009), for instance, have decided to respect international law by expressly excluding the waters adjacent to the territory of Western Sahara in its fishing treaties with Morocco. Norway and Switzerland have also explicitly rejected exchanges with Morocco involving the exploitation of Sahrawi natural resources (Hagen 2015, Smith 2015). An innovative book from Quéré (2020) explores how actions against French companies involved in exploiting Western Sahara's natural resources might be brought before French courts. This points to the potential for future research focused on the legal possibilities of other national courts.

## Politics

Academic studies that focus on politics largely concentrate on the illegality of the Moroccan occupation, the country's associated economic interests, the construction of Sahrawi identity, and the contradictions involved in recognising the SADR for the self-determination process. These issues are often approached with an emphasis on transversality. There are also some comparative studies. García Perez's (2019) article examines the political,



economic, and legal factors that affect the extension of the continental platform to the west of the Canary Islands as a consequence of Morocco's occupation of Western Sahara, thus complementing the aforementioned works by Smith (2019) and Smith and Amiton (2013). The areas claimed by Spain (its case is on a long waiting list to be heard by the Commission on the Limits of the Continental Shelf) overlap with those claimed by Portugal and Morocco (specifically, maritime territory off the coast of occupied Western Sahara). The article observes that the SADR is recognised by the UN, and that it has had its own law outlining its maritime borders since 2009, in addition to setting out its own on- and offshore blocks for gas and petroleum exploration. The paper predicts that Morocco will include waters beyond Western Sahara in its case before the Commission, but that its claim will ultimately be rejected. This article overlaps with the majority of legal studies that find Morocco to be an occupying power.

Fišera's (2005) article uses Western Sahara as a study for his wider argument that transnational corporations can directly affect the welfare and self-determination of a people. In a similar vein, Campos Serrano (2008, 445) discusses how some companies have interrupted their extractive activities for being harmful to the 'welfare of the population'. While the means to enforce corporate accountability are limited, the author explores the success and impact of Norwegian civil society campaigns against an oil company active in occupied Western Sahara. The section analysing the strategies of campaigners complements earlier work by Knight (2005), who examines the factors behind the initiation of the campaign by the NGO Western Sahara Resource Watch (WSRW) against Kerr McGee, the campaign's early successes, such as a divestment from a major shareholder, and future plans for the campaign. Fišera's work also complements anthropological research, such as Irwin's, which analyses the significance of Polisario's own agreements with oil companies (Fišera conceptualises such agreements as 'corporate diplomacy') and legal analyses by, for example, Corell (2015) in offering solutions to break the current deadlock in the Western Sahara conflict.

Kamal (2015) highlights a fundamental aspect regarding the management and exploitation of natural resources, which is the stabilising and democratising role that they may play. White (2015) even speaks of natural resources as 'value for peace-making activities'. Therefore, for the SADR and Polisario, full sovereignty over the territory's resources and the withdrawal of Moroccan control are essential. In fact, this is the intention behind its strategy, as reflected in the signing of agreements with international companies to explore petroleum and gas (Campos Serrano 2008), the establishment of the EEZ, and the adoption of the SADR Mining Code in 2014 (Allan 2016; Kamal 2015).

However, these policies are paradoxical in a number of ways, since the Polisario Front is both a national liberation movement and the single party

controlling the SADR government. Another paradox is that the SADR has the liberated territory within the borders of the former Spanish Sahara, but also governs the refugee camps in Tindouf, Algeria (although the majority of economically lucrative resources are found in the area of Western Sahara controlled by Morocco) (Kingsbury 2015, 2016; White 2015). In this respect, San Martín (2006) notes that, as part of Western Sahara is under de facto military control of the Polisario and also under the de facto civil administration of the SADR, Morocco has never controlled the entire territory. No member of the UN has recognised Moroccan sovereignty over Western Sahara or any right over the territories that it controls or may control in the future. The process of consolidating the SADR runs up against the different meanings of sovereignty required for the international recognition needed to form a state, while Morocco competes with historical claims to the territory (White 2015). Campos Serrano (2008) notes that as the Western Sahara conflict revolves around property rights to the resources and the representation of legitimate interests, it leads to a language of statism and territorial integrity.

The symbolic nature of the natural resources is an idea explored by White (2015) as an element around which the Sahrawi people have mobilised and reinforced the legitimacy of both their claims and the construction of their identity. Hence, when an agreement is signed with Morocco to exploit the resources of the Sahrawis without considering their consent or the benefits, the result is de facto recognition of the Moroccan occupation. Moreover, the companies responsible for exploiting and managing Sahrawi resources have close ties to or are the property of the Alawite monarchy and the makhzen.

Allan (2016) employs a chronological analysis of activism, from the women-dominated mass protests against exploitation in 2005, to the Gdeim Izik protest camp in late 2010, and then to the 2015 demonstrations against the large companies involved in the exploitation of phosphates to show how resistance has given way to demands for recognition of the legitimacy of the Sahrawi cause and peoples' right to their natural resources. In these mobilisations, international actors – states (like Norway, Holland, the US), associations and NGOs (like WSRW) – have been extremely useful. For instance, the United States, as noted, does not recognise Moroccan sovereignty over Western Sahara and excludes the waters adjacent to the territory from its fishing agreements with Morocco. Christian activists from the American state of Oklahoma have played a particularly crucial role here (Zunes 2015). On the other hand, *Office Chérifien de Phosphates* established itself as a major donor to the Clinton Global Initiative in Marrakech in May 2015 (Zunes 2015).

Trasosmontes (2014), in turn, emphasises the political and economic importance of natural resources for Spain, Morocco, and the Polisario Front. The idea of the economic viability of the SADR being based on its economic

resources is also found in Shelley (2004) and echoed by MINURSO and UN Special Envoy to the Sahara, James Baker.

Kingsbury (2015) establishes that Western Sahara is illegally and militarily occupied by Morocco. Moreover, he notes (and, given recent events, has been proved right) that as a growing source of discontent and conflict, the continued exploitation of its resources by the Moroccan administration risks a return to armed conflict by the SADR. Although Western Sahara bears certain similarities to Timor-Leste in international law, Kingsbury (2015, 2016) highlights the case of West Papua from the perspective of moral and legal claims. Zunes (2015) also looks at other cases that combine an occupying power and a non-self-governing territory, such as Namibia and East Timor. The key to resolving these conflicts, argues Zunes, was the role played by civil society, which organised systematic report and boycott campaigns. However, contrary to Kingsbury, Zunes argues that the failure of the United Nations to organise a self-determination referendum has led to the growth of nonviolent resistance in the occupied territories.

Like Allan, Veguilla (2016) places more focus on the protests that occur under occupation but observes that they are not all nationalist in nature. Rather, some are also 'autonomist', emphasising housing policies and employment, the granting of fishing licenses, and the beneficiaries of social policies from which the Sahrawi population feels excluded and marginalised. Other studies by the same author (Veguilla del Moral 2009, 2011) adopt a micro perspective, examining the role of local elites and their use of fishing policies to influence national decision-making processes. Specifically, local operators have articulated a territorialised collective action against Morocco and its fishing policy that is unrelated to calls for independence.

Pazzanita also discusses activism but shifts the focus to the United States and other countries that opposed the 2006 FPA between the EU and Morocco (especially Sweden, although Finland, Ireland, and the Netherlands also expressed their dissatisfaction). He cites Shelley (2006) to recognise that signing these partnerships amounts to an endorsement of Morocco and that the benefits of this exploitation end up not with the Sahrawi people, but with the Moroccan operators (see also Zunes 2015) and a small minority of wealthy Sahrawis with close ties to the Moroccan authorities (Pazzanita 2006).

## **Geography, environment and sustainability studies, and engineering**

The works done in the area of geography, environment and engineering largely focus on biodiversity, the reliance on phosphates and agriculture. Goldau's (2008) paper focuses on the biodiversity issues arising from modern colonialism in Western Sahara in a study that usefully complements

Fernandez Camporro's work on 'greenwashing'. Fernandez Camporro highlights the political and diplomatic currency gained by the Moroccan regime through its commitment, albeit a hollow one, to environmental sustainability, above all with regards to renewable energy developments in occupied Western Sahara. Goldau likewise provides a damning analysis of Morocco's contributions to the international Biodiversity Convention. Commenting on Morocco's exploitation of Saharan natural resources, Goldau rhetorically asks if Western Sahara's biodiversity will be the next target of the resource hungry. In this way, he echoes Irwin (see above section on anthropology) in suggesting that scholars might expand their understanding of what constitutes natural resources.

Cordell, Turner, and Chong's (2015) paper concurs with the work analysed here by historians and NGOs in underlining the centrality of phosphates to the Western Sahara conflict. The authors contextualise their observations by emphasising that phosphate resources are more geopolitically concentrated than oil but receive far less discussion and monitoring. The focus of the paper is the impact of global reliance on phosphates and the associated risks. It identifies a range of phosphorus supply chain dangers from various stakeholder perspectives and from different stages in that supply chain. The greatest risk is determined to be political, and Western Sahara is highlighted as an exemplary case. Purchasing phosphates from Western Sahara involves investing in a military occupation, is possibly illegal, constitutes a potential national security risk given Morocco's huge share of the phosphate market (currently 75 per cent of the world's known remaining reserves [Corell 2015, 335]), and endangers the reputation of both importers and consumers.

Work by Graciano (2014), on the other hand, places importance on the Moroccan monarchy's industrial-sized greenhouses in Dakhla, due to their drainage of non-renewable underground fresh water. The paper draws on two reports on the agricultural industry (discussed in the following section) by WSRW (2012a, 2012b). However, Graciano furthers debate by analysing Morocco's failed laws against opening new wells without the monarchy's permission, arguing that the monarchy and its business partners are themselves undermining this law.

Ciampalini et al., like Irwin in her anthropological study, explores how Sahrawis might take advantage of their natural resources (2013). This Earth Sciences paper seeks to help Sahrawis living in exile and the liberated zone of Western Sahara to take advantage of the mineral deposits in their territory. The authors' research develops a low-cost exploration methodology based on inexpensive remote sensing data. Again, with a view to exploring how Sahrawis in the state-in-exile could exploit natural resources from an engineering and architectural perspective, Bechri (2017) has designed a future city that complements the desert landscape of Western Sahara and takes full advantage of its abundant resources like light. In terms of future research

directions, Bechri and Ciampalini et. al.'s works offer inspiration for further studies exploring the resource potential of Polisario-controlled Western Sahara.

## Non-academic research

In this section, we review NGO reports and non-fiction books concerned with resource exploitation in Western Sahara. Western Sahara Resource Watch (WSRW), an NGO registered in Belgium, has been the most prolific in terms of publications in this area. We first review WSRW's body of work, then move on to look at research by other NGOs, then finally we review non-fiction book chapters and monographs.

WSRW's two 2012 reports on the agricultural industry in occupied Western Sahara build on each other and use similar data sources (2012a, 2012b). The second report, *Label and Liability*, was accepted as evidence in a case heard by the European Union Court of Justice, in which the Polisario Front was the plaintiff. The study draws attention to the fact that agricultural produce from occupied Western Sahara is mislabelled in EU markets as produce of Morocco. It also points out that all greenhouses involved in the industry are owned by the Moroccan king, Moroccan conglomerates, or French multinational firms – not by Sahrawis, that the majority of workers in the industry are Moroccan settlers, and that 95 per cent of the produce is grown for the export market. It also touches on the immense water resources needed to maintain production.

WSRW has produced four reports on the energy industry in occupied Western Sahara, two on renewables and two on oil and gas. *Totally Wrong* (2013b) focuses on the activities of the Total oil company in occupied Western Sahara. At the time, Total was the enterprise most heavily involved in oil exploration and had conducted the most expensive seismic surveys. The report looks at these activities in relation to Hans Corell's 2002 Opinion, which WSRW interprets as stating that any further oil exploration in occupied Western Sahara without the consent of the Sahrawis would be illegal. It notes that the UN Legal Opinion was requested in direct response to Total's activities in the territory. It also documents Sahrawi protests against oil companies and reports on the fate of the leader of the Sahrawi Committee for the Protection of Natural Resources (CSPRON), Sidahmed Lemjiyed, who was imprisoned for life in 2013. The later *Fuelling the Occupation* study (2014) analyses petroleum imports to occupied Western Sahara, most specifically those facilitated by Swedish-owned tankers, and how these imports further settler colonialism.

*Dirty Green March* (2013a) is the first of two reports on the renewable energy industry in occupied Western Sahara. This initial report details how Morocco plans to build over 1000 megawatts of renewable energy plants

in Western Sahara. The study also considers the ethical problems of the existing work done by Siemens, the land grab to clear space for wind farms, planned connections to the EU grid, and the allegedly murky intentions of the UN Clean Development Mechanism.

All of WSRW's reports emphasise that none of the businesses, states, and groups of states involved in the exploitation of Western Sahara in partnership with Morocco have provided any evidence of having consulted with Sahrawis, and subsequently – and in line with the observations of much of the legal scholarship cited above – question the legality of the exploitation activities. All the WSRW reports also denounce natural resource exploitation activities undertaken in partnership with Morocco on the basis that they encourage settler colonialism, do not benefit the Sahrawis, add a false veneer of legitimacy, and help to fund the Moroccan occupation.

Since 2014, WSRW has published an annual report denouncing the exploitation of Sahrawi phosphates by Morocco and the companies that import, transport, and/or invest in these activities (WSRW 2016, 2017, 2019, 2020).

Primary data and information presented in these reports contradict the official discourse of the Moroccan government and OCP regarding investments in the occupied territories, the percentage of phosphates exported from the Sahrawi deposits, and the portion of the total exports from Morocco represented by phosphates (25 – not 1 – per cent). In 2017, WSRW also observed a reduction in 2016 exports with respect to 2015. The 2017 and 2018 reports paid significant attention to the Cherry Blossom case. The reports also discuss the role of the Maritime Court of Panama in detaining the charter vessel, *Ultra Innovation*, on its way to Canada loaded with phosphates being imported by the company Agrium. Thanks to the systemic nature of the reports, it is possible to track the companies that participate in the activity, those under suspicion (although it cannot be demonstrated), and those that have ceased to export phosphates illegally, in many cases due to the pressure of WSRW's activism. In this respect, the pressure exerted by some investment funds (as examined in one of the articles in this issue) is key to understanding this change in company behaviour.

Saharawi Natural Resource Watch (SNRW) is composed of a group of Sahrawi refugees living in the camps in Algeria who campaign against the exploitation of Western Sahara's natural resources. The organisation has published one research report on the fisheries industry in occupied Western Sahara (2013). The report includes a focus on the environmental and ecological consequences of the fisheries industry in occupied Western Sahara, which has received relatively less attention in the rest of the literature, but which is highly relevant, especially given the conclusions of the research into greenwashing done by Fernandez Camporro ([forthcoming](#)).

SNRW's observations on the manipulation of fishing licenses and the involvement of security forces and army generals in this industry are reflected in the 2019 report, *Los tentáculos de la ocupación* ('The Tentacles of the Occupation', from the *Observatori de drets humans i empreses* and Shock Monitor). In addition to referring to Corell's 2002 Legal Opinion and the sentences of the European Court of Justice, this report on octopus fishing underscores the illegality of the trade and, especially, fisheries agreements made between the EU and Morocco. These partnerships have been used to legitimise the Moroccan occupation, foster the transfer of the Moroccan population to fishing settlements on the Sahrawi coasts (in contravention of Article 48 of the Geneva Convention (IV) on civilians), and to contribute to the exploitation of resources like fish, without consulting the population or providing benefits, all based on an ecological sustainability and balance that is suspect. As with the work done by WSRW, this study is the result of a collective effort that included the participation of other NGOs, activists, and experts in the field (ODHE 2019). The report also provides information on types of fisheries, the companies and interests involved (like the Spanish fleet, which accounts for 80 per cent of the fishing in Sahrawi waters under the most recent agreement), and the benefits obtained, which notably exclude the Sahrawi people. The report also documents how half of the fish caught by Morocco, including off the Mediterranean coastline, actually comes from the waters of Western Sahara, demonstrating that ecological and quality policies conceal the exclusion of the Sahrawi people and the overexploitation of natural resources like cephalopods.

A joint report by the groups France-Liberté and the French Association of Friendship and Solidarity with the Peoples of Africa (AFASPA) (2006) complements the aforementioned wealth of historical scholarship on the phosphate industry. Based on primary research undertaken during a field visit to occupied Western Sahara in 2002, it details the fates of Sahrawi mine workers following the Spanish departure and Moroccan takeover, covering topics ranging from contractual issues to forced disappearances. The study reports that in 2002, of the Sahrawis employed in the mine, 95 per cent were low-paid manual workers, 4 per cent technicians, and only 1 per cent engineers. Additionally, Moroccan workers allegedly have a 'variety of rights' (2006, 8) that are denied to those of Sahrawi origin. The French Office for the Protection of Refugees and Stateless Persons (OFPRA) (2017), in turn, reported on the protests organised by the Phosboucraa workers in 2014. This study draws primarily on secondary sources but provides useful documentation of the protests that occurred between 2006 and 2016, including those by unemployed Sahrawis denouncing Phosboucraa's alleged policy of favouring ethnic Moroccans for jobs. Both investigations complement the body of research produced by WSRW on the assertion that phosphate exploitation does not benefit the Sahrawis as a people.

Wilson and Hagen, in their roles as solidarity activists, both contributed chapters on natural resource exploitation to the 2007 book *International Law and the Question of Western Sahara*. Hagen's chapter (2007) focuses on the illegality of phosphate exports from occupied Western Sahara, but also touches on the freshwater resources needed to wash mined rock, and the implications this has for underground wells. Wilson's chapter (2007), on the other hand, examines the impact of campaigners such as WSRW, detailing divestments from companies once involved in the exploitation of Western Sahara's natural resources.

Hagen (2018) also worked with photographer Mario Pfeiffer to publish a book on self-determination in Western Sahara that includes a short essay by Canadian lawyer Jeffrey Smith on the influence of commercial economic interests in the occupation of Western Sahara, the exploitation of the territory's phosphates, the development of an ecologically unsustainable agricultural industry (Hagen 2018, 7), and the increase in energy production. The text highlights the deep contradictions within the European Commission as it contravenes the rulings of the CJEU and the principles of democracy, international law, and human rights in its agreements with Morocco. Activism against this exploitation emphasises the questionable legality of Moroccan claims and raises awareness about the conflict by encouraging the media to focus on the international economic interests involved in exploitation (Hagen 2018, 37). Hagen does, however, mention exceptions, like the governments of Norway, the Netherlands and, in part, Denmark, which have urged companies in their countries not to participate in the plunder of Sahrawi resources. He also draws on a report presented by the Finnish MEP Carol Haglund to the European Parliament Committee on Fisheries during 2011 negotiations that stated that the extension of the fisheries agreement would be too costly for the EU and cause grave environmental damage to the ocean waters off of Western Sahara.

In a special issue of the journal *Global Change, Peace and Security* published in 2015, Hagen provides a case study of how Australian companies (Incitec Pivot, Wesfarmers and Impact Fertilisers) stopped importing phosphates from Western Sahara (Hagen 2015). Although Australia imported 39 per cent of Saharan phosphates in the late 1980s, thanks to campaigns by NGOs like WSRW and intense pressure from major shareholders in response to the publication of the Corell Opinion, the country ended its dependence on the rock. Hagen's article underscores an idea found in the WSRW reports, Hagen's own book, and a number of legal studies: the agreements signed with Morocco to exploit natural resources in Western Sahara reinforce and legitimise that country's position as an occupier (see also, San Martín 2006).

Lauren and Schmidt's monograph (2015) might best be described as literary reportage. It explores how Sweden (fishing industry, big business,



pension funds, and supermarkets) invests in Morocco's occupation in Western Sahara from various angles, including an innovative chapter on the impact of Swedish government policy on one Sahrawi activist in Sweden. This chapter – along with the brief mentions of the fates of Sahrawi activists in works published by WSRW, France-Liberté-AFASPA and Allan – suggests that further in-depth research into the risks for Sahrawis in the occupied territory of campaigning against resource exploitation is necessary, especially given the centrality of Sahrawi consent in legal discussions on the issue.

In 2019, the project *French Arms*, begun by the Dutch media non-profit organisation Lighthouse Reports in cooperation with other groups, condemned the use of French-made army vessels from the Moroccan Armed Forces to monitor the waters off Western Sahara and protect the plunder of natural resources. The issue at hand was as legal as it was moral, since France had signed the Arms Trade Treaty, which prohibits the transfer of conventional arms that would allow 'attacks directed against civilian objects or civilians' (El Azzouzi, Philippin, and Rouget 2019).

Finally, in 2006 the Nordic African Institute in Uppsala, Sweden, published a monograph analysing the natural resources of Western Sahara as part of a study of the decolonisation project (Olsson 2006). In the book, Shelley highlights not only the economic importance of natural resources, but also their strategic importance and the growing political and international interest in the subject. On a domestic level, fishing serves as a way to control the population, offering perks to Sahrawis with close ties to the Moroccan authorities and creating patronage structures to obtain licenses or artisanal vessels.

## Conclusion

This final section attempts to summarise the main debates, find synergies across disciplinary boundaries, and open new lines of research. The bulk of publications on natural resources have been written from a legal perspective, NGO and thinktank reports and documents, political studies and historical works. The categorisation of the different approaches to the study of natural resources is not absolute and some topics overlap. For instance, the creation of a Sahrawi national identity is first tied to the early exploitation of phosphates by Spain in the 1970s and then to the occupation and annexation of the territory by Morocco. Additionally, a large number of the historical, political, and legal studies and the reports from NGOs emphasise the economic interest in natural resources to explain the occupation of Western Sahara and the claims of Morocco, the Polisario Front, and even Spain. Finally, the principle of self-determination inhabits the same framework of international law as the various approved UNGA resolutions, legal reports, and even the rulings handed down by courts in the EU and countries like South Africa, the United Kingdom, and Panama (notably, our review has

not identified any studies on the Panama case, and only one on the South African case, possibly because the two cases are very recent at the time of writing). Despite the prevalence of international law over international humanitarian law and the right of occupation and even war, a debate persists regarding the legal framework that should be used, because the consequences are so different. The application of the law of occupation makes it possible to prosecute not only state actions, but also the acts of the individuals and companies involved in the illegal exploitation of natural Sahrawi resources. Corell's 2002 report (revised by Corell himself and criticised by other experts) includes a fundamental principle: the self-determination of the Sahrawi people and of their permanent sovereignty over their natural resources will be violated if their interests are not taken into account and their consent is not sought. Realpolitik, as well as economic interests, explains international 'tolerance' for the unresolved self-determination process, but also due to political factors because of the role played by Morocco in the region. Concerns about containing migration towards Europe, terrorism, and the stability of the political regime in the region have influenced the EU's behaviour with regards to approving new fisheries agreements with Morocco, despite the rulings of the CJEU.

Perhaps explained by the anglophone bias of academia and the Spanish colonial history, the vast majority of the publications are in English, followed by Spanish and, to a lesser extent, French and Arabic. They are largely critical of Moroccan exploitation of Sahrawi natural resources. The resource that receives the most attention in both historical and NGO studies are phosphates, while the question of fisheries is the main focus of legal and political studies. The few studies from anthropological, cultural studies, geographical and environmental perspectives highlight the potential for further work on how Saharawis might take advantage of natural resources, in the Polisario-controlled zone for example, in the future.

A number of issues remain unaddressed in the literature. One increasingly important question concerns the exploitation of renewable natural resources and the associated environmental, social, and political repercussions. In this respect, the impact of resource exploitation on Sahrawi nomadic life, including on the freshwater wells being drained for use by Phosboucraa and agricultural businesses, is of particular interest. Another area that has been perused, but without any in-depth study, is the effect of 'reverse' settler colonialism (for instance, the 'Sahrawi-isation' of Moroccan settlers) vis-à-vis the ability of companies and/or states to claim that they have consulted with the Sahrawi population, and the (potentially adverse) impact of academic studies in this respect. Linked to this, there is a crucial need for research into the risks faced by Saharawi anti-resource-exploitation activists in the occupied territory, and what this means with regard to the Saharawi community's ability to meaningfully give consent to exploitation.

Little work has been done on resources from the perspective of Cultural Studies or Anthropology, and none yet that analyse Hassaniya poetry or the work of solidarity artists and writers in relation to natural resources. Research is also lacking on how infrastructure projects linked to resource exploitation have been used internationally to tell a story of 'modernity' and 'development', although this is covered, to some extent, in NGO reports on the Moroccan occupation. Other future research directions could lead to investigations of the history of the Sahrawis' use of their natural resources before the colonial era, as well as an in-depth look at the role of Sahrawi and foreign activism in protecting rights to Western Sahara's natural resources. The resurgence of armed conflict in Western Sahara, with exploitation of natural resources named by Polisario as a key factor in their decision to take up arms, underlines the urgency of this research field.

## Notes

1. For an overview of the different types of reviews and the advantages of each one, see (Snyder 2019).
2. For the usefulness of thematic analyses whilst undertaking a semi-systematic review, see (Snyder 2019). On how to conduct thematic analyses, see (Nowell et al. 2017).
3. For example, one of the authors of this review volunteers for Western Sahara Resource Watch and Western Sahara Campaign.
4. The authors understand that forthcoming research from Sebastien Boulay will address some of these questions.
5. Gilkerson's argument overlaps with one developed by Hodges (1983). We have not included that book in the analysis as it was not mainly focused on natural resources, the requirement for inclusion.

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